

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LILA DERBY,

Petitioner,

v.

5:04-CV-0349

COMMISSIONER OF SOCIAL SECURITY,

Respondent.

THOMAS J. McAVOY
United States District Judge

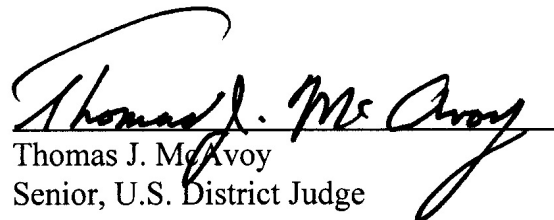
DECISION and ORDER

This matter was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the July 19, 2007 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and REMANDS the case to the Commissioner for further proceedings consistent with the Magistrate's Report and Recommendation.

IT IS SO ORDERED.

Dated: August 8, 2007


Thomas J. McAvoy
Senior, U.S. District Judge